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CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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ARGENTINA, BRAZIL, BURMA, EGYPT, ETHIOPIA, MEXICO, MOROCCO, NIGERIA, SWEDEN AND YUGOSLAVIA

Working paper on the prohibition of the development, production and stockpiling of chemical weapons and on their destruction

Having, on previous occasions, expressed in working papers (CCD/310, CCD/352) their preliminary views on banning bacteriological (biological) and chemical methods of warfare, the delegations of Argentina, Brazil, Burma, Egypt, Ethiopia, Mexico, Morocco, Nigeria, Sweden, and Yugoslavia, members of the Conference of the Committee on Disarmament now wish, as a concrete contribution to progress in negotiation, to present some further views on the following four important aspects of a Treaty banning chemical weapons: (I) General Provisions; (II) Scope of the Prohibition; (III) Verification and System of Control; (IV) Complaints procedure.

(I) GENERAL PROVISIONS

Any agreement banning Chemical weapons should include:

1. A clear understanding whereby future agreed provisions for the prohibition of the development, production and stockpiling of chemical weapons are not to be interpreted as in any way limiting or detracting from the obligations assumed by the Parties under the Geneva Protocol of 1925.
2. Provisions to ensure that the agreement should be implemented in a manner designed to avoid hampering the research, development, production, possession, transfer and application of chemical agents for peaceful purposes or hindering the economic or technological development of States Parties.
3. An undertaking not to assist, encourage or induce any State, group of States or international organizations in prohibited activities.
4. Undertakings to facilitate, and a right to participate in, the fullest possible exchange of chemical agents, equipment material and scientific and technological information for the use of such chemical agents for peaceful purposes.

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5. A recognition of the principle that a substantial portion of the savings derived from measures in the field of disarmament should be devoted to promoting economic and social development, particularly in the developing countries.

6. Security guarantees which in the interest of many countries should go beyond those envisaged in already existing disarmament and non-armament agreements.

(II) SCOPE OF THE PROHIBITION

7. Discussions in the Committee show a basic agreement on the objective of the negotiations relating to Chemical Weapons, namely that they should aim, in accordance with relevant United Nations resolutions, at reaching a comprehensive ban, covering the development, production and stockpiling of all Chemical Weapons, their equipment and means of delivery, as well as the destruction of existing stocks.

8. The degree of danger represented by the use of chemical agents for purposes of war depends besides their toxicity, to a high degree, on the protection available, as well as on the means of delivery. Since adequate protection against any kind of chemical weapons is not available to the greater part of the world population, even less toxic agents can create as great a danger as highly toxic ones and therefore should be prohibited.

9. It is essential that the prohibition of chemical weapons should be coupled with adequate verification. The question of verification has both technical and political aspects which should be reconciled and therefore it is connected with the scope of the prohibition. Solutions to the problems of scope and verification should not be discriminatory and should maintain an acceptable balance of obligations and responsibilities for all States. A partial solution with respect to the scope of the activities to be prohibited, which would only ban the development and production of chemical weapons, will be particularly discriminatory and will not be acceptable to many countries, specially to those which have abstained from procuring such weapons.

10. In the Treaty's text, a comprehensive ban could deal with the problem of scope by a general purpose criterion while more detailed provisions could be elaborated in the annexes to the Treaty. These agreed provisions may be revised and updated by the international control organ referred to in part III, paragraph 14.

(III) VERIFICATION AND SYSTEM OF CONTROL

11. The purpose of the verification system in a treaty prohibiting chemical weapons should be to give every Party a reasonable assurance of compliance of the prohibition. Such assurance could be provided through a combination of national and international measures, which would complement and supplement

each other, thereby providing an acceptable system which would ensure effective implementation of the prohibition. At least the following basic elements should be included: (A) the self-control of states, (B) national means of verification, and (C) international measures of verification.

(A)

12. The self-control of states parties to the treaty might encompass (a) declarations, at the time of entering into force of the prohibition, as regards national activities related to production and development of chemical weapons and agents, particularly concerning the destruction of existing stockpiles; (b) measures aimed at implementing the prohibition, including the enactment of laws and regulations; (c) the organization of a national system of control and control body with authorization to co-operate with the international control organ and (d) informing the international control organ of these measures of self-control.

(B)

13. Every state could use its own means to verify the observance of the prohibition, in accordance with international law and United Nations charter. The States Parties might undertake to consult one another and to co-operate in solving any problems which might arise in relation to the objective of, or in application of provisions of the Treaty. Consultation and co-operation might also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

(C)

14. International measures of verification should be performed by a qualified and independent international control organ to be designated by the States Parties, and the results should be made available to all parties on an automatic and fact-finding basis.

They might comprise collection, analysis and circulation of relevant data and assistance to states parties in the development of self-control as well as national means of verification. On the other hand, the international control organ should receive full assistance of States Parties in the development of international verification measures, including relevant technology at the disposal of States Parties. The verification system should encompass all activities related to development, production and stockpiling of chemical warfare agents. As a non-recurrent measure, international inspection could also be

specially provided for in order to verify destruction of stocks, in a manner to be agreed upon between the International Control Organ and the State Party concerned.

15. The international verification system should, within the provisions of the Treaty, be reviewed and as appropriate improved, taking into account new scientific and technological achievements. The verification system should be conceived and implemented in such a way as to avoid the disclosure of scientific, industrial and commercial secrets.

(IV) COMPLAINTS PROCEDURE

16. Any State Party might, as a last resort, lodge a complaint with the Security Council concerning an alleged breach of the provisions of the Treaty by another State Party.

17. The complaining State Party should submit all possible evidence, including a report or reports, which might be prepared by the international control organ mentioned in part III paragraph 14 above, to the Security Council.